IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

RPFC.No. 100 of 2007()

MC.176/2004 of FAMILY COURT, KOZHIKODE
.....

REVISION PETITIONER/RESPONDENT:

VADAKKARA CHANDRAN, S/O.KUNJIRAMAN NAIR,
PERAMBRA AMSOM, KILIYAMBILAYI DESOM,
KOYILANDY TALUK, KOZHIKODE DISTRICT,PERUVANNAMUZHI

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: PETITIONER:

ERIKKAMBATH SHEEBA,
D/O. KUNJIKRISHNAN NAIR, KOTTOOR AMSOM,
NARAYAMKULAM DESOM, KOYILANDY TALUK,KOZHIKODE DIST

BY ADV. SRI.P.K.SURESH KUMAR
SRI.K.P.SUDHEER

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 02/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

R.P.(FC)No.100 of 2007

Dated this the 2nd day of March, 2007

ORDER

Revision petitioner is the respondent in M.C.176/04 in the file of the Family Court, Kozhikode in which he has been set ex-parte and under orders to pay maintenance at the rate of Rs.1,000/-.

2. It is the case of the revision petitioner that he had filed a counter before the court below and that on the particular day, on account of a traffic block, he could not reach the court in time or instruct the counsel. I find that the order of the court below is not a considered one. In view of the fact that a counter has been filed, the court below ought to have considered the matter on merits. In the circumstances, the order of the court below is set aside on condition that the revision petitioner deposit a sum of Rs.10,000/- towards the arrears of maintenance, which the respondent shall be entitled to withdraw. The revision

petitioner is granted one month's time to deposit the amount. The parties are directed to appear before the court below on 29.3.2007. The court below shall dispose of the matter on merits at the earliest.

The R.P.(FC) is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.929 of 1997

ORDER

26th February, 2007